



SEP 1 7 2001

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In re Application of	:	
PERT et al.	:	
Application No.: 09/647,749	:	DECISION ON
PCT No.: PCT/US99/07514	:	
Int. Filing Date: 06 April 1999	:	PETITION UNDER
Priority Date: 06 April 1998	:	
Attorney Docket No.: 11496/9-1052	:	37 CFR 1.137(b)
For: SHORT PEPTIDES FOR TREATMENT	:	
OF NEUROLOGICAL DEGENERATIVE DISEASES	:	

This decision is in response to the "PETITION FOR REVIVAL OF A PATENT APPLICATION DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" submitted by applicants on 12 June 2001.

### **BACKGROUND**

On 06 April 1999, applicants filed international application PCT/US99/07514, which claimed a priority date of 06 April 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 14 October 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 05 November 1999, which was within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 06 October 2000.

On 04 October 2000, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and an authorization to charge any additional fees which may be required to Deposit Account No. 04-0838.

On 27 October 2000, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (From PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) were required. This Notification set a one-month extendable period for reply.

On 29 May 2001, the USPTO mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 27 October 2000.

On 12 June 2001, applicants filed the instant "PETITION FOR REVIVAL OF A PATENT APPLICATION DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" which was accompanied by, *inter alia*, a declaration of the inventors and the surcharge under 37 CFR 1.492(e).

### DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted a declaration of inventors on 12 June 2001.

As to item (2), applicants submitted the petition fee of \$1,240.00 on 12 June 2001.

With regard to item (3), petitioner has provided the required statement.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration filed 12 June 2001 complies with 37 CFR 1.497(a)-(b).


### CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office

of PCT Operations to continue national stage processing of the application including according the application a 35 U.S.C. 371(c) date of 12 June 2001.



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